

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No: 7:19-cv-11

GAIL MAJOR.	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	
CAPE FEAR ACADEMY,	)	
Defendant,	)	
_____	)	

NOW COMES Plaintiff, Gail Major ("Plaintiff") by and through undersigned counsel requesting a jury trial and alleging the following against Defendant:

**I. JURISDICTION**

1. That jurisdiction is founded on Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. 2000e et seq. and the Age Discrimination in Employment Act of 1967 (ADEA) as amended, 29 U.S.C. 621 et seq.
2. Plaintiff, Gail Major, age 59, is an individual residing in Carolina Beach, North Carolina.
3. At all relevant times, Plaintiff, Gail Major was an employed as a Teacher Assistant by Cape Fear Academy.
4. On information and belief, Defendant is a North Carolina Non-Profit Corporation organized and existing under the laws of North Carolina, with its principal place of business in Wilmington, North Carolina.

5. At all times relevant to the allegation in this Complaint, Cape Fear Academy operated from a school in Wilmington, North Carolina.
6. Cape Fear Academy is a private school preparing students for college.
7. At all relevant times, Cape Fear Academy has more than 20 employees on its payroll during at least 20 work each during calendar year 2018.
8. On April 21, 2018, Plaintiff, Gail Major, filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission (“EEOC”).
9. More than sixty days have elapsed since Plaintiff, Gail Major, filed her charge with the EEOC.
10. Plaintiff, Gail Major, received a right to sue letter dated October 26, 2018, and fewer than ninety days have elapsed since Plaintiff received same.

## **II. STATEMENT OF FACTS**

11. Plaintiff, Gail Major, was born in 1958 and was 59 years old at the time she filed her charge of discrimination.

12. Plaintiff, Gail Major's, employment background includes 15 plus years of teaching experience from 2005 to present.
13. Plaintiff, Gail Major, began working for Defendant in August, 2017.
14. Plaintiff, Gail Major, served as a 2<sup>nd</sup> grade Teacher Assistant until April 20, 2018.
15. On or about April, 2018, applied and interviewed for a full time 3<sup>rd</sup> grade Teacher position.
16. Plaintiff, Gail Major, had the qualification and experience for the position for the full time 3<sup>rd</sup> grade Teacher position.
17. Plaintiff, Gail Major, was non-selected by Defendant on April 20, 2018, and was vastly and plainly superior regarding her qualifications.
18. Defendant selected a new student teacher who was 24 years of age with no previous full time classroom experience.
19. Plaintiff was constructively discharged on April 20, 2018.

### **III. JURY DEMAND**

Plaintiff demands that all matters be tried before a duly empaneled jury.

### **IV. PRAYER FOR RELIEF**

Upon the trial of this matter, Plaintiff prays that the Court enter a Judgment for her and award the following relief:

- a. Enter judgment in her favor and in an amount to be determined at trial, encompassing reinstatement to former position, back pay, front pay and compensatory damages.
- b. Award pre and post judgment interest and the costs/disbursements of this action, including reasonable attorney's fees.
- c. Plaintiff demands a trial by jury.
- d. Award any further relief the court deems just and necessary.

Respectfully submitted, this \_\_\_\_ day of January, 2019.

Attorney for Plaintiff

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